

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

SOUTHERN COAL CORPORATION;)

A&G COAL CORPORATION;)

JUSTICE COAL OF ALABAMA, LLC;)

BLACK RIVER COAL, LLC;)

CHESTNUT LAND HOLDINGS, LLC;)

DOUBLE BONUS COAL COMPANY;)

DYNAMIC ENERGY, INC; FOUR)

STAR RESOURCES, LLC; FRONTIER)

COAL COMPANY, INC; INFINITY)

ENERGY, INC; JUSTICE ENERGY)

COMPANY, INC; JUSTICE)

HIGWALL MINING, INC;)

KENTUCKY FUEL CORP.;)

KEYSTONE SERVICES INDUSTRIES,)

INC.; M&P SERVICES, INC.; NINE)

MILE MINING COMPANY, INC.;)

NUFAC MINING COMPANY, INC.;)

PAY CAR MINING, INC.; PREMIUM)

COAL COMPANY, INC.; S AND H)

MINING, INC.; SEQUOIA ENERGY,)

LLC; TAMS MANAGEMENT, INC.;)

VIRGINIA FUEL CORP.,)

Defendants.)

**Case No. 7:19-cv-354
Senior Judge Glen E. Conrad**

MOTION TO DISMISS

COMES NOW, the Defendants Double Bonus Coal Company, Dynamic Energy, Inc., Frontier Coal Company, Inc., Justice Energy Company, Justice Highwall Mining, Inc., Keystone Services Industries, Inc., M&P Services, Inc., Nufac Mining Company, Inc., and Pay Car Mining Company, Inc., (collectively, “Defendants”), pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, and hereby moves this Court to dismiss the United States of America’s Complaint

filed herein. The reasons for the Defendants' Motion to Dismiss are stated more fully in the accompanying memorandum in support.

WHEREFORE, the Defendants respectfully request that the Court grant this Motion to Dismiss and enter an Order dismissing the Complaint with prejudice.

Respectfully submitted,

DOUBLE BONUS COAL COMPANY, et al.

By: /s/ Aaron Balla Houchens
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th of July 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and the foregoing was electronically transmitted through the CM/ECF system to the following CM/ECF participants:

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